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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/688,349

10/17/2003

Fred S. Cook

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04/08/2005

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KSOPHT0101-Z2100

OVERLAND PARK, KS 66251-2100

EXAMINER

BARNIE, REXFORD N

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,349

Applicant(s)

COOK ET AL.

Examiner

REXFORD N BARNIE

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

R. Barnie
REXFORD BARNIE
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell (US 2002/0067816) in view of Bierman et al. (US Pat# 5,761,279).

Regarding claim 1, Bushnell teaches a system and method for delivery profile information relating to a caller which can include images, sound or other multimedia contents in (section 0009, 0011, 0024, 0030, 0031, 0058, 0063) in part based on the called party's number and teaches the possibility of incorporating this teaching into an ISDN (section 0032). Arguably, the transmitted information could be digital but for the sake of argument, Bierman teaches a visual calling person display wherein digital image or content can be displayed to a called party in (see col. 2 line 8-46, col. 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bierman into that of Bushnell thus making it possible to identify who a calling party may be even when using a calling terminal not associated with the calling party inferred from (col. 2 and col. 4 of Bierman).

Regarding claims 2-5, 8-13, The combination including Bierman for instance teaches that digital images can be presented to a called party and the called party's

terminating switch can query a network element for caller ID, also taught by Bushnell. Furthermore, the examiner takes official notice that it's known to organize data in a table or organized format for simplicity during retrieval of data.

Regarding claims 6, 14 and 22, The combination including Bushnell teaches that a user can enter an ID and password to configure the images to be displayed to a called party in (see fig. 6) as associated with a calling party. The combination including Bierman teaches using a code in conjunction with another identifier (ANI) to identify a calling party to a called party in (see col. 4).

Regarding claim 7, Bushnell teaches a system and method for delivery profile information relating to a caller which can include images, sound or other multimedia contents in (section 0009, 0011, 0024, 0030, 0031, 0058, 0063) in part based on the called party's number and teaches the possibility of incorporating this teaching into an ISDN (section 0032). Arguably, the transmitted information could be digital but for the sake of argument, Bierman teaches a visual calling person display wherein digital image or content can be displayed to a called party in (see col. 2 line 8-46, col. 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bierman into that of Bushnell thus making it possible to identify who a calling party may be even when using a calling terminal not associated with the calling party inferred from (col. 2 and col. 4 of Bierman).

Regarding claim 15, see the explanation as set forth regarding claims above because the combination including Bushnell and Bierman teaches a computer system which would function based on a software means.

Regarding claims 16-21, The combination including Bierman for instance teaches that digital images can be presented to a called party and the called party's terminating switch can query a network element for caller ID, also taught by Bushnell. Furthermore, the examiner takes official notice that it's known to organize data in a table or organized format for simplicity during retrieval of data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is (703)306-2744. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER
REXFORD BARNIE
03/31/05


REXFORD BARNIE
PRIMARY EXAMINER